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June 26, 2008

**VIA ELECTRONIC FILING**

The Honorable Sue L. Robinson  
United States District Court  
for the District of Delaware  
844 King Street  
Wilmington, DE 19801

**Re: Callaway Golf Company v. Acushnet Company**  
**C.A. No. 06-91-SLR**

Dear Judge Robinson:

Acushnet Company files this letter to bring to the Court's attention additional, new developments in the ongoing reexaminations of the golf ball patents-in-suit.

In the reexamination of the '130 patent, the PTO issued on June 24, 2008, a Right of Appeal Notice ("RAN"), again rejecting all of the '130 patent's claims on numerous grounds. In short, the PTO again considered and rejected all of Callaway's arguments for the alleged validity of the '130 patent. After agreeing with Acushnet that numerous prior art references disclosed or rendered obvious the claims at issue, the PTO further held that Callaway's purported evidence of secondary considerations "is not enough to overcome the *prima facie* case of obviousness presented in the rejections." '130 RAN at 185.

The PTO's '130 patent decision and RAN (214 pages, attached as Exhibit 1) constitutes now a "FINAL DECISION" by the Examiner that all claims of the '130 patent are invalid. *Id.* at 205-06. Callaway has one month to file an appeal, if it chooses to do so; otherwise the reexamination of the '130 patent will be concluded.

In the reexamination of the '873 patent, another patent-in-suit, the PTO issued on June 25, 2008, an Action Closing Prosecution. In it (185 pages, attached as Exhibit 2), the PTO again considered and rejected all of Callaway's arguments for the alleged validity of this patent's claims. Callaway has one month to file comments or submit proposed amendments to the

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claims, after which Acushnet will have a month to respond. Acushnet expects that, as with the '130 patent, a RAN will issue shortly thereafter for the '873 patent.

Respectfully,

*/s/ David E. Moore*

David E. Moore

DEM/msb

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Enclosures

cc: Clerk of the Court (by hand delivery) (w/encl.)  
Counsel of Record (by electronic mail) (w/encl.)